THE HON'BLE SRI JUSTICE K.C.BHANU

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WRIT PETITION NO.18758 OF 2005

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Between:

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Sri Ramineni Jayaprada

……Petitioner

Vs.

1.Government of A.P., represented by its Principal Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad and five others

Respondents

Dt.02.09.2005

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O R D E R:

This writ petition is filed declaring the action of respondents in putting the land of the petitioner bearing S.No.69 and 74 admeasuring Ac 4.09 cents of dry land situated at Nadakuduru Village, Challapalli Mandal, Krishna District belonging to Sri Prudweswara Swamy Temple to public auction without even issuing any notice to the petitioner as illegal, arbitrary and violative of the principles of natural justice and also in contravention of the provisions of G.O.Ms.No.379 dated 11.03.2003.

The facts of the case in brief are that the petitioner herein is a landless poor person. In the year 1969 his father took an extent of Ac 4.09 cents of dry land in S.Nos.69 & 74 from 5th respondent-Devasthanam and cultivated the same till 1993. After the death of his father, the lease was transferred in the name of the petitioner and after the expiry of lease period, he made an application dated 22.06.2004 before fifth and sixth respondents seeking to enhance the lease amount on the existing lease. It is also the case of the petitioner that he enhanced an amount of Rs.5,000/- and raised banana garden and sugarcane crop in the lands. Apart from that, the petitioner dug

bore wells and fixed motors to the bore wells by spending huge amounts. As the matter stood thus, 5th and 6th respondents without issuing any notice, announced by way of tom-tom stating that the lease hold rights of the petitioner over the land in question are going to be put in public auction on 25.08.2005. In spite of the representation made by the petitioner before the fourth respondent, the same was not yet considered. Hence, this writ petition is filed.

The learned counsel for the petitioner submits that as the petitioner is a landless poor, he can be permitted to continue in possession of the said lands for the purpose of cultivating the same.

On the other hand, the learned Government Pleader for Endowments submits that it is for the petitioner to establish that after the demise of his father, he is continuing in possession of the said land as a tenant in the place of his father and he also has to establish that he is a landless poor person.

It is not in dispute that the petitioner has not declared as a landless poor person. If he is a landless poor person, the fourth respondent-Assistant Commissioner, Endowments, Kakinada, East Godavari District shall ascertain whether the petitioner is a landless poor or even after the death of his father, he is continuing as a tenant over the lands of the respondents.

Without going into the merits of the case, the writ petition is disposed of with a direction to the respondents to determine whether the petitioner is a landless poor or he is continuing as a tenant in the said lands of the respondents. No costs.

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K.C.BHANU J.,

Dt.02.09.2005

c.c. in two days

B/o

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